

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TIHARA NORRIS, on behalf of	)	CASE NO. 1:18-cv-400
herself and all others similarly situated,)	
	)	JUDGE SOLOMON OLIVER, JR
Plaintiff,)	
	)	DEFENDANT XCEL HEALTHCARE
vs.	)	PROVIDERS INC.'S UNOPPOSED
	)	MOTION FOR AN EXTENSION OF TIME
XCEL HEALTHCARE PROVIDERS	)	TO MOVE, PLEAD OR OTHERWISE
INC.,	)	RESPOND TO PLAINTIFF'S COMPLAINT
	)	DUE TO THE SUCCESSFUL MEDIATION
Defendant.	)	AND UPCOMING MOTION TO APPROVE
	)	THE SETTLEMENT

Now comes Defendant Xcel Healthcare Providers Inc. (hereinafter "Defendant" or "Xcel"), by and through its undersigned counsel, pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) - due to the parties settlement of this matter (and *Marks v. Xcel Healthcare providers, Inc., et. al.*, Case No.1:17-cv-01541-SO) at Mediation on March 9, 2018 and the parties' upcoming motion to approve the Settlement that will be filed with the Court, - and hereby moves this Court for an Order granting an indefinite extension within which to move, plead or otherwise respond to Plaintiff's Complaint. Plaintiff's counsel – the Lazzaro Law Firm – does not oppose the indefinite extension, for Xcel to file its Motion, Answer or other respond to Plaintiff's Complaint.

Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure provides: "When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." In this case, Docket # 14 states that service was executed upon Xcel on February 22, 2018. As such, the current deadline for Xcel to move, plead or otherwise respond to

Plaintiff's Complaint is March 15, 2018. In satisfaction of Rule 6(b)(1)(A), this Motion is made before the original time to move, plead or otherwise respond to Plaintiff's Complaint.

Further, as grounds for this Motion, Defendant states that, as the Parties advised the Court on March 12, 2018, the Parties resolved this matter at Mediation on March 9, 2018. The settlement, which will be provided to the Court for approval, alleviates the need for further litigation, including, but not limited to, the need for Xcel to move, plead or otherwise respond to Plaintiff's Complaint.

This Motion is unopposed by counsel for the Plaintiff, Attorney Chastity Christy.

Xcel is not seeking this extension for an improper purpose or to unduly delay this matter. Also, no prior extension has been granted in this matter.

WHEREFORE, for the foregoing reasons, Defendant Xcel Healthcare Providers Inc. respectfully moves this Court for an Order granting its Unopposed Motion for Extension of Time to Respond to Plaintiff's Complaint due to the successful Mediation and upcoming Motion to Approve the Settlement.

s/ Richard A. Millisor
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2018, a copy of the foregoing *Defendant Xcel Healthcare Providers Inc.'s Unopposed Motion for Extension of Time to Move, Plead or Otherwise Respond to Plaintiff's Complaint* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

/s/ Richard A. Millisor

Richard A. Millisor